

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, December 18, 2012 - 7:00 PM
4 Depoe Bay City Hall

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8 PRESENT: Mayor C. Connors, P. Cameron, S. Hoitink, B. Leff, D. Goddard, T. Lewis,
9 D. Zimmerman

10

11 STAFF: City Recorder P. Murray, City Superintendent T. Owings, Recording Secretary
12 E. LuMaye

13

14

15 I. PLEDGE OF ALLEGIANCE

16 Mayor Connors called for all to stand for the Pledge of Allegiance.

17

18 II. CALL TO ORDER

19 Mayor Connors called the meeting to order and established a quorum at 7:00 PM.

20

21 III. APPROVE MINUTES: November 6, 2012 Regular Meeting

22 Murray noted the minutes to be approved were from December 4, 2012.

23

24 Motion 1: Leff moved to approve the minutes from the December 4, 2012 Regular Meeting.

25 Goddard seconded the motion.

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27 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

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29 Vote: Motion 1 passed.

30 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

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32 IV. ACCOUNTS PAYABLE

33

34 Motion 2: Zimmerman moved to approve Accounts Payable as presented. Cameron seconded the
35 motion.

36

37 Mayor Connors said it was moved and seconded, and called for discussion.

38

39 Vote: Motion 2 passed.

40 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

41

42 V. SPECIAL ORDERS

43 A. 2011-12 Audit Presentation – Signe Grimstad, Grimstad and Associates

44 Ms. Grimstad reviewed the audit report in some depth, noting the overall increase in assets over
45 the previous fiscal year, and commenting on how well the City of Depoe Bay does with the
46 resources it has. The City monitors things closely, and she found no internal concerns. She said it's
47 rare to work with a City that doesn't have any negative comments in the report. A Councilor said it
48 feels good to get an "A" from your auditor.

49

50 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

51 Loren Goddard, 15 SW Ellingson and chair of the Near Shore Action Team, informed the Council
52 there will be an Ocean Policy Advisory Council meeting in Coos Bay on January 4, with public
53 comment on the Territorial Sea Plan scheduled for 1:00 PM. He encouraged 3-4 Councilors to
54 attend.

55

1 Lars Robison, 635 Collins and Harbor Commissioner, thanked the Council for working closely with
2 the Harbor Commission over the last few years.

3
4 VII. PUBLIC COMMENTS

5 Rick Beasley, 140 Bayview, addressed the Council regarding the proposed media policy on tonight's
6 agenda. He felt the media should be engaged in discussion of the policy. He said Newport looked at
7 and rejected the same policy two years ago, while Lincoln City looked at it and adopted it. He
8 asked that the policy not be adopted without thoughtful conversation with a couple of media
9 people. He said the League of Oregon Cities model ordinances are dumbed down or written by
10 someone with an agenda. He encouraged the Council to hold a workshop on the subject. And he
11 thanked Mayor Connors for her service and said he's grateful we have the ability to vote and talk to
12 our elected officials.

13
14 VIII. UNFINISHED BUSINESS

15 A. Request to Temporarily Encroach on Elsie Street Right-of-Way – J. Million and v. Sovern
16 Murray said correspondence was received after the last meeting (copies attached to original of
17 these minutes) – an email from Lori Fowler, a letter from Valerie Sovern and Jeff Million which
18 included a Google map of the site, and an email from Valerie Sovern inviting people to contact her
19 project manager for a project walk-through. Mayor Connors asked if anyone had any new
20 testimony to present. There was none.

21
22 Motion 3: Cameron moved to allow Mr. Million and Ms. Sovern to have their fifth wheel in the Elsie
23 Street right-of-way while they build their house. Hoitink seconded the motion.

24
25 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

26
27 Vote: Motion 3 failed.

28 Ayes: Cameron, Hoitink, Zimmerman

29 Noes: Leff, Connors, Goddard, Lewis

30
31 Motion failed.

32
33 B. Temporary Suspension of Enforcement of Ord. #252 – Moorage Use Permit, A.J. Mattila
34 Murray said this matter was originally brought before the Council in June, 2011. The Council
35 determined at that time to suspend enforcement for 12 months. The matter was brought before
36 the Council again in June, 2012 when the suspension expired. The Council extended the suspension
37 of enforcement for six additional months, which expires this Friday.

38
39 A.J. Mattila, 130 SE Douglas, said he hoped the vessel would be finished in time for salmon season.
40 He said the moorage was paid up through June. He requested an extension to the end of the
41 current fiscal year, by which time he hoped to have the vessel finished and in compliance with the
42 ordinance, but it would depend on how much money and time he has. He spoke about the Council
43 Guidelines and Procedures manual, saying there were several things that needed to be addressed
44 in the Ord. 290 [292] proposal, for the good of the entire harbor. A Councilor called point of order.
45 Mayor Connors instructed Mr. Mattila to speak only to the suspension of enforcement. Mr. Matilla
46 said he understood that two Councilors can ask for an item to be postponed to the next meeting.

47
48 Motion 4: Cameron moved not to allow any more extensions on suspension of enforcement of the
49 Harbor Ordinance. Lewis seconded the motion.

50
51 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

52
53 Vote: Motion 4 passed.

54 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

55 Noes: Zimmerman

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2 C. Proposed Ord. #292 – An Ordinance Amending Ord. #252 the Harbor Ordinance, as
3 Amended; Incorporating Ord. #s 252, 284, 286, 289, 267 Section 2, and 290 Section 4;
4 Providing for Incorporation of Future Amendments to the Harbor Ordinance; Providing for
5 the Control and Management of the Harbor Properties and Facilities of the City of Depoe
6 Bay; Repealing Ord #s 252, 284, 286, and 289; and Declaring an Emergency

7 Murray said proposed Ord. #292 (copy attached to original of these minutes) had been reviewed
8 by the Council, with direction to schedule for adoption on tonight's agenda. She requested a motion
9 to read the proposed ordinance by title only.

10
11 Motion 5: Leff moved that proposed Ord. #292 be read by title only. Goddard seconded the
12 motion.

13
14 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

15
16 Vote: Motion 5 passed.

17 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

18
19 Murray performed the first reading of proposed Ord. #292 by title only, then called for questions or
20 comments. She noted there were no written comments received. There were no questions or
21 comments from the public or audience members.

22
23 Motion 6: Cameron moved to adopt proposed Ord. #292 at the first reading. Leff seconded the
24 motion.

25
26 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

27
28 Vote: Motion 6 passed.

29 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

30
31 Murray noted that a unanimous vote at the first reading allows the Council to proceed with the
32 second reading on the same night. It was the consensus of the Council to proceed. Murray
33 performed the second reading of proposed Ord. #292 by title only, and called for questions or
34 comments. There were none.

35
36 Motion 7: Leff moved to adopt proposed Ord. #292 at the second reading. Cameron seconded the
37 motion.

38
39 Mayor Connors said it was moved and seconded, and called for discussion.

40
41 Vote: Motion 7 passed.

42 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

43
44 D. Proposed Ord. #294 – An Ordinance Establishing Regulations for Noise Control; and
45 Declaring an Emergency

46 Murray reviewed the proposed ordinance (copy attached to original of these minutes), explaining
47 the color coding and asked the Council if there was any discussion before beginning the adoption
48 process. A Councilor questioned a time change that had been discussed at a meeting he had
49 missed.

50
51 Motion 8: Hoitink moved to read proposed Ord. #294 by title only. Leff seconded the motion.

52
53 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

54
55 Vote: Motion 8 passed.

1 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

2
3 Murray performed the first reading of proposed Ord. #294 by title only, clarifying that the colored
4 text is included in the ordinance, and called for questions or comments. There were none.

5
6 Motion 9: Leff moved to adopt proposed Ord. #294 at the first reading. Cameron seconded the
7 motion.

8
9 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

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11 Vote: Motion 9 passed.

12 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

13
14 Murray asked if the Council wished to proceed with the second reading; they did, and she
15 performed the second reading of proposed Ord. #294 by title only, and called for questions or
16 comments. There were none.

17
18 Motion 10: Cameron moved to adopt proposed Ord. #294 at the second reading. Goddard
19 seconded the motion.

20
21 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

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23 Vote: Motion 10 passed.

24 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

25
26 IX. NEW BUSINESS

27 A. Proposed Res. #425 – A Resolution Establishing Executive Session News Media Attendance
28 Policy

29 Murray reviewed the proposed resolution (copy attached to original of these minutes), noting a
30 typo on Page 3 Item 5: ..."a representative # of a news media organization"... There was discussion
31 about what news media organizations should be listed in the resolution; a suggestion was made to
32 add News Lincoln County to the list of currently recognized news media organizations.

33
34 Motion 11: Leff moved to adopt proposed Res. #425, A Resolution Establishing Executive Session
35 News Media Attendance Policy, with the addition of News Lincoln County to the list of currently
36 recognized news media organizations. Goddard seconded the motion.

37
38 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

39
40 Vote: Motion 11 passed.

41 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

42
43 B. Proposed Res. #426 – A Resolution Establishing Employment Policy of the City of Depoe Bay
44 to Participate in the Public Employee Retirement System (PERS) Unused Sick Leave Program

45 Murray said this resolution was drafted after the Council moved to participate in the PERS program
46 at the last meeting. Upon adoption, the resolution will be provided to PERS.

47
48 Motion 12: Goddard moved to adopt proposed Res. #426, A Resolution Establishing Employment
49 Policy of the City of Depoe Bay Electing to Participate in the Oregon Public Employees Retirement
50 System (OPERS) Unused Sick Leave Program. Lewis seconded the motion.

51
52 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

53
54 Vote: Motion 12 passed.

55 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

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2 C. Oregon Liquor License Application – O’Downey’s Irish Pub
3 Murray noted this was a change of location application, and that O’Downey’s does hold a current
4 valid license. The Council was asked to recommend to grant or deny the application for change of
5 location, for full on-premise sales. There was brief discussion. (Copy of application attached to
6 original of these minutes.)
7

8 Motion 13: Cameron moved to recommend granting of the liquor license. Lewis seconded the
9 motion.
10

11 Mayor Connors said it was moved and seconded, and called for discussion. There was none.
12

13 Vote: Motion 13 passed.

14 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman
15

16 D. Additional Item – Councilor Goddard

17 Councilor Goddard said she found an “imbalance” in the recently approved adjustment to base and
18 cap salaries. She said the salary for Maintenance Worker should be raised because it was the
19 lowest-paying position in the City, and that according to the job description, the Maintenance
20 Worker also performs some of the same duties as the Harbormaster and Utility Worker positions.
21 (Copies of the new base and cap salaries, and the three job descriptions attached to original of
22 these minutes.)
23

24 Motion 14: Goddard moved to raise the Maintenance Worker base salary to \$32,039 and the cap to
25 \$42,273, matching the Billing Clerk and Secretary positions. Cameron seconded the motion.
26

27 Mayor Connors said it was moved and seconded, and called for discussion. A Councilor asked what
28 the effective date would be; Mayor Connors responded January 1.
29

30 Vote: Motion 14 passed.

31 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman
32

33 X. CORRESPONDENCE

34 Murray said there were four items of correspondence (copies attached to original of these
35 minutes): 1) Two letters were received which provided an overview of programs, activities, and
36 accomplishments for 2012 – one from Neighbors For Kids and one from Oregon Coast Community
37 College. 2) A letter from ODOT regarding the 2013 Small Cities Allotment grant application for
38 improvements to streets. The City was not awarded funding for this project. 3) An email from
39 Douglas Hunt at Lincoln County regarding a meeting at Oregon Transportation Commission
40 tomorrow regarding the Hwy 20 construction project. (Several responses to this email were also
41 received and included in the packet). ODOT recommended the second of five options: to monitor
42 ground movement and ground water, refine design, and delay opening to traffic, at a cost of \$375
43 million. A strong contingent from the coast is attending the meeting in support of continued
44 funding. Staff was directed to send an email to Douglas Hunt stating that Depoe Bay is supportive
45 of the county’s position.
46

47 XI. CITY STAFF REPORT

48 Owings reviewed his written report (copy attached to original of these minutes), providing updates
49 on the Outdoor Warning System, the Nature Trail, the Parks Master Plan, Dock 1 Replacement, and
50 Smoke Testing.
51

52 Murray reported on the Tsunami Outreach Program. She attended a DOGAMI (Department Of
53 Geology And Mineral Industries) meeting last week in Lincoln City. She is on the steering
54 committee for Depoe Bay, and will be bringing questions to the council regarding activities such as

1 having drills, getting signs and/or brochures, or door-to-door passing of information to residents.
2 The City will also be getting updated tsunami evacuation maps.

3
4 Owings fielded questions from Councilors: 1) How old Dock 1 would be removed; he said the City
5 will salvage whatever boards are good, and that it is the responsibility of the contractor to remove
6 it. The Councilor asked if the flotation could be salvaged, as it was new right before the tsunami;
7 Owings replied it would be. 2) Has the City been using the manhole dams that were purchased a
8 while back; Owings replied that they're working really well, and 10 more are planned for order.
9 3) Is the emergency trailer done? Yes, with the exception of a little work on the radios that Michael
10 Dane needs to do.

11
12 XII. COUNCIL COMMENTS

13 Leff wished everyone a wonderful holiday season and hoped 2013 would bring everyone happiness
14 and good fortune.

15
16 Goddard thanked outgoing Councilors Lewis, Cameron, Zimmerman, and Mayor Connors. She also
17 said the packets the City's been waiting from Jennie Demaris at Lincoln County Sheriff's Office
18 Emergency Management office are coming to fruition.

19
20 Lewis said it's been educational and interesting the last couple of years, and that he's enjoyed
21 being on the Council very much.

22
23 Zimmerman said the weather this fall has been challenging, and asked Owings to give the guys a
24 pat on the back. He also wished everyone a wonderful holiday.

25
26 Cameron wished everyone Merry Christmas and Happy Hanukkah.

27
28 Mayor Connors thanked City Hall Staff for their help over the last two years, saying having
29 dedicated staff made her job much easier. She thanked the Council who has worked with her to
30 accomplish things that have been very important for the City of Depoe Bay, including the warning
31 system and a new dock after the tsunami. She thanked all the Commissioners, especially the
32 Harbor Commission. She thanked the Near Shore Action Team for all their work, especially with the
33 Territorial Sea Plan. She thanked the Planning Commission for their work. She was pleased to have
34 an Urban Renewal Agency and see the benefits of it, such as having a paved parking lot in bad
35 weather. She's been involved in Depoe Bay government since 2005, and while she enjoyed it, it's
36 also been hard work that gave her the opportunity to do things she wanted to but wasn't able. She
37 wished everyone the best.

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39 XIII. ADJOURN

40 There being no further business, the meeting was adjourned at 8:27 PM.

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Carol Connors, Mayor

51 Emma LuMaye, Recording Secretary